IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4132 OF 1995

M/s.Swastik Traders .. Petitioner.
Vs.
Bombay Agriculutral Produce
Market Committee .. Respondents.

Ms.Usha Singh i/b M/s.Vyas and Bhalwal for the petitioner.
Mr.Prashant Naik for respondent no.1.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.
DATED : MARCH 23, 2006.

P.C:

. This petition came to be dismissed in default on account of the conditional order passed by this Court on 11.9.1996 and subsequently while allowing civil application No.7185 of 1998 it came to be restored by the order dated 22.6.2001.

2. The relief prayed for in this petition filed under Article 226 of the Constitution is for declaration that the eligibility conditions imposed by the 1st respondent on 1.12.1993 for allotment of shop-cum-godown to be constructed by it as unconsitutional, void and illegal. In addition, it has been prayed that the allotment of 179 shop-cum-godowns in the Additional Market Complex in Phase II, Market II at Turbhe, New Bombay by

respondent no.1 be quashed and set aside.

3. In Writ Petition No.4342 of 1994 seeking similar relief this Court passed the consent order dated 23.6.1995 and the same was made applicalbe to the allotments of 228 shop-cum-godowns constructured by respondent no.1. Such applicants were in multiple numbers and 43 of them had come before the Court by filing 43 separate writ petitions. It appears that another batch of the writ petitions also came to be filed for the same reliefs before this Court and by referring to the consent order dated 23.6.1995, another consent order came to be passed in the fresh batch of those petitions for appointment of sole arbitrator so as to decide the allotment of all these 228 shop-cum-godowns.

4. The sole arbitrator (Hon'ble Shri Justice Chandurkar, Retd. Chief Justice of Tamil Nadu) passed his award on 4.5.1998 and all 228 shops-cum-godowns have been subsequently allotted as per the terms of the consent orders passed by this Court and read with the award passed by the sole arbitrator.

5. The learned counsel for the petitioner

stated that inspite of our best efforts she could not contact the petitioner and obtain instructions. In any case nothing further survives in this petition in view of the award passed by the sole arbitrator having been implemented by now. We are also informed by the learned counsel for respondent no.1 that the petitioner herein did not fulfil the conditions laid down in the award passed for allotment of shop-cum-godown and, therefore, he was found to be uneligible.

6. Hence the petition is dismissed. Rule discharged. No costs.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE, J.)**